

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,) No. C 09-03088 JF (PR)
Petitioner,) ORDER OF DISMISSAL
vs.)
EDWARD C. FLORES, et al.,)
Respondents.)

Petitioner, a detainee at the Santa Clara County Jail proceeding pro se, filed the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 7, 2009, mail sent to Petitioner by the Court was returned to the Clerk of the Court with a notation that it was undeliverable as Petitioner was “not in custody.” (Docket No. 4.) As of the date of this order, Petitioner has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been

1 returned to the court as not deliverable, and (2) the court fails to receive within sixty days
2 of this return a written communication from the pro se party indicating a current address.
3 See L.R. 3-11(b).

4 More than sixty days have passed since the mail directed to Petitioner by the Court
5 was returned as undeliverable. The Court has not received a notice from Petitioner of a
6 new address. Accordingly, the instant habeas action is DISMISSED without prejudice
7 pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall terminate all
8 pending motions and close the file.

9 IT IS SO ORDERED.

10 DATED: 10/22/09



JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,

Case Number: CV09-03088 JF

Petitioner,

CERTIFICATE OF SERVICE

v.

EDWARD C. FLORES, et al.,

Respondents.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/9/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lorenzo Arteaga E-66703
Santa Clara County Jail
APQ381; E-66703; 125303
885 North San Pedro Street
San Jose, CA 95110

Dated: 11/9/09

Richard W. Wieking, Clerk